

FILED

AUG 30 2023

**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MARK ETHAN JERMAIN,)
a.k.a.)
ARSENE MILLOGO,)
)
Defendant.)

No. **4:23CR459-RLW/JSD**

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Gwendolyn E. Carroll, Assistant United States Attorney for said District, and moves the Court to order Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of Defendant's initial appearance, pursuant to Title 18, United States Code, Section 3141(f)(2), *et seq.* In support of this motion, the Government states as follows:

1. Defendant Mark Ethan Jermain a.k.a. Arsene Millogo is charged with wire fraud, in violation of Title 18, United States Code, Section 1343.

2. Pursuant to Title 18, United States Code, Section 3142(f)(2), the United States moves the Court to hold a detention hearing because this case involves a serious risk that Defendant will flee. The defendant is known to use multiple aliases, including both of those listed in the caption of the charging instrument in the present case, and has used identification documents issued in the names Arsene Millogo and Mark Ethan Jermain in furtherance of his fraud crimes. These identification documents include both a US Passport in the name Mark Ethan Jermain, and an Indiana state identification card issued in the name Arsene Millogo. Since February 2019, the defendant has lived overseas, and returned to the United States on August 17, 2023. The defendant frequently travels internationally, and at present, does

not have any known employment or family ties to the Eastern District of Missouri. The defendant also has permanent resident status in Slovakia. The defendant also has a flight reserved to Warsaw, Poland, that is scheduled to depart the United States on September 21, 2023 from JFK Airport.

3. Upon a motion of the United States under Title 18, United States Code, Section 3142(f), the Court “shall hold a hearing to determine whether any condition or combination of conditions . . . will reasonably assure the appearance of [the defendant] as required and the safety of any other person and the community.” In making this determination, the Court considers the factors set forth in Title 18, United States Code Section 3142(g), including the nature and circumstances of the offense charged, the weight of the evidence against the defendant, the history and characteristics of the defendant, and the nature and seriousness of the danger posed by the defendant’s release.

4. Both the nature and circumstances of the charged offense and the weight of the evidence in this case warrant Defendant’s detention pending trial. *See* 18 U.S.C. § 3142(g)(1) and (2). As alleged in the Indictment, Defendant participated in a scheme to obtain fraudulent PPP loans using bank account records forged to alter the identity of the account holder. The evidence against Defendant is overwhelming and, includes records of both the genuine bank account statements, as well as the forged statements submitted to the lenders by the Defendant. The evidence further includes bank account records establishing that Defendant transferred the stolen funds from bank accounts based in the United States to a foreign bank account based in Slovakia, where the Defendant was located at the time of the charged fraud.

5. Defendant’s commission of this fraud also indicates that he poses a financial danger to the community, if released. *See* 18 U.S.C. § 3142(g)(1) and (4). As alleged in the Indictment, Defendant engaged in this scheme through at least July of 2021, and received \$730,000 in fraud proceeds from this offense. The United States is also investigating allegations of identity theft and Economic Injury Disaster Loan fraud perpetrated by Defendant.

6. In addition, Defendant's history and characteristics, particularly her prior interactions with law enforcement, indicate that Defendant is a flight risk and poses a danger to the community, if released. *See* 18 U.S.C. § 3142(g)(3) and (4). As described in paragraph 2, above, Defendant recently fled from law enforcement while—as it appears based on the checks, bank cards, and U.S. currency found in Defendant's vehicle—she was perpetrating the scheme for which she is currently charged. Moreover, while attempting to flee from law enforcement, Defendant was in possession of a firearm and endangered the safety of the community by her speeding, reckless driving, and crashing into an innocent bystander's vehicle.

WHEREFORE, there are no conditions or combination of conditions that will reasonably assure the defendant's appearance as required and the safety of any other person and the community and the Government requests this Court to order Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
UNITED STATES ATTORNEY

/s/ Gwendolyn E. Carroll

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